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UNIVERSITY QUESTION.

The terms of the original despatch of the Duke of Portland in 1797, communicating the intention of His Majesty George III. to set apart a portion of the Crown Lands for the purposes of a higher education in Upper Canada, expressly declare the object of the University Endowment to be for the establishment not of a University, or College, but of UNIVERSITIES or COLLEGES, "of SEMINARIES of a larger and more comprehensive nature," (that is, than the Grammar Schools just before mentioned, and provided for,) "for the promotion of religious and moral learning, and the study of the arts and sciences."

These are the express terms, let it be remembered, of the ORIGINAL DESPATCH, in conformity with which a grant from the Crown of upwards of 250,000 acres was placed in 1798 at the disposal of the Provincial Legislature as the public University Endowment for Upper Canada,—and they were employed with a far sighted wisdom. In a region of vast extent, the centralization of a higher education, and the monopoly of the public means for its diffusion by one locality, and for the benefit of a few, are as opposed to the real interests of the country, as they are the very reverse of what was designed by the original grant.

Nevertheless by the influence of certain parties at the time, to which we need not here further advert, the disposal of this endowment was taken out of the hands of the Provincial Legislature, and a deed of endowment of the whole 226,000 acres of University Lands (the number of acres having been reduced by exchange for Crown lands more valuable and available at the time), was obtained in January, 1828, in favor of King's College **ALONE**, for which a Charter had been granted through the same influence in the previous year. This proceeding, as well as the Charter itself which was of the most exclusive character, gave universal dissatisfaction. That Charter was, therefore, after a ten year's struggle, amended to a certain extent by the Provincial Charter of 1837.

As the Charter of 1837, however, made no change in the appropriation of the Endowment, and left the management of the University very much as before, general dissatisfaction still continued. Two Bills were at different periods brought before Parliament for a farther amendment of the Charter. One of these was unsuccessful. The other, brought in by the Hon: Mr. Draper, and which provided for the incorporation of the several Chartered Colleges in the Province as integral parts of one University, and for the endowment of each out of the public University Fund, was approved of by all the leading denominations of Upper Canada. It was, however, interrupted in its course by the abrupt termination of the Session of Parliament which preceded the advent of the party of the Hon: Mr. Baldwin to power.

A Bill was thereafter brought in by Mr. Baldwin himself in 1849, twelve years after the amended Charter of 1837. That Bill was passed, and changed entirely the Constitution of the University by establishing one University College of Toronto of a wholly secular kind, strictly excluding from within its walls all divine worship, or public prayers, but providing for the affiliation to it of the other Chartered Colleges, none of which, however, were to receive any portion of the public endowment, while they were to give up their right of conferring Degrees, and to become merely Theological Colleges, or Halls.

As might have been foreseen, still greater dissatisfaction, if possible, than before was created by the Act 1849, and none of the other Colleges did affiliate. It was found neces-

sary, therefore, to amend that Act by the present University Act of 1853, brought in by the Hon. Mr. Hincks. By that Act the University is declared to be separate, and distinct from the College of Toronto, or any other College, and provision is made for the incorporation of other Colleges in the University, and for their receiving a portion of the public University funds for their support.

In consequence of the objectionable nature of some of the provisions of the Act 1853 itself, and the means which have been employed to defeat its intent, none of these objects have been carried into practical effect. Such, however, undoubtedly were the purposes for which it was framed, and passed into a law. This is proved by the testimony of at least three of the members of the Administration of Mr. Hincks, by whom it was brought before the Provincial Parliament,—by the preamble of the Act, which fully declares the desirableness of different University Colleges in a growing, and widely extended country,—by its express provisions for the separation of the University from the College of Toronto, and by the 54th section explicitly recognising the right of the other Chartered Colleges to a share in the public endowment for the diffusion of a higher education, and providing that the whole surplus funds should be set apart to aid in their support. Nay more, in order that there might be as large a surplus as possible for the support of other Colleges, the Faculties of Law and Medicine were abolished in University College, Toronto, which was thenceforth to consist of only one Faculty, the Faculty of Arts,—and the sum for building purposes for University College was expressly limited to what was necessary for “improvements” on, or “additions” to the ample buildings then in existence. In this way, it was naturally expected, that out of a revenue, amounting at that time to nearly £16,000 a year, and which, by the sale of many thousand acres of valuable lands still remaining of the original grant might be yet vastly increased, a very large sum indeed would, after providing for the support of the Faculty of Arts in University College, Toronto, remain over for the support of the other chartered Colleges of the country.

If further proof be necessary of the purpose of the Act in this respect, it is enough to state, that it was begun at first in some measure fairly, and according to its intention, to be carried into effect, before other evil influences

had begun to work and make it a dead letter. Accordingly at the end of the first year after its being passed, notwithstanding the enormous sum even then absorbed by University College, Toronto, and the extraordinary payment of a year's salary to the Professors of Law and Medicine, as a compensation for the doing away of these Faculties in University College, a surplus of £6400 was set aside "to be appropriated by Parliament to the support of other Academic Institutions;" and there it still remains.

The Act of 1853 did not, indeed, take the simple and statesmanlike ground taken in the Bill already alluded to for the settlement of the University question, brought in by the Hon. Mr. Draper, which clearly and explicitly provided for the incorporation of the different Colleges as integral parts of one University, and for the participation of each in the public University Fund, and which, in these its leading features, is, we are persuaded, the only settlement of the question which will generally satisfy the country, and effectually promote the wider diffusion of literary and scientific knowledge. The Act of 1855 was very far, therefore, from being a satisfactory settlement; but, such as it was, it ought certainly to have been faithfully and honestly carried out. It has not, however, been so, and any professional man, any candid person, be he of what profession or persuasion he may, who compares its provisions with its practical working, and with the proceedings of those entrusted with the carrying of it into operation, will say, that it has not been so, and that both the spirit and the letter of the law have been violated.

1. In the *first* place, one of the main objects of the Act 1853, as stated in its title, and provided by its enactments, was the separation of the University proper from University College, or any other affiliated College, and in conformity with this its design the Senate at first was composed of persons of eminence of various persuasions and professions, and comprised only one Professor of the University College, Toronto. Now, however, there are in the Senate, the governing body of the University, no less than *four* Professors of that College, and a number of their own graduates, among the rest the Principal of Upper Canada College. Four others are Ministers of the Free Church, and Independants, in Toronto, whose students receive tuition in the under-graduate classes free, besides Scholarships at University College, and

who, therefore, on all occasions side with its Professors ; and of the others, seven or eight are non-resident, and cannot, if they would, attend the meetings of Senate. The result is, that, the quorum of the Senate being only five, the control of the whole affairs of the University is now in the hands of University College and its Professors. Instead, therefore, of the University being wholly separate and distinct, as was expressly designed by the Act, the University and University College are now virtually one and the same.

2. The surplus income was by the Act 1853 to be reserved every year for the support of other Colleges. In the year immediately after the passing of that Act, a surplus of £6400, as has been already mentioned, was set apart for that purpose, and had the funds been faithfully and economically managed, a still larger amount ought to have remained over every year from the yearly increasing revenue. No surplus, however, with the exception of £500 additional, has since been permitted to accrue, out of an average revenue of upwards of £15,000 a year, although supporting only a single Faculty of Arts, and, in order that no such surplus might accrue in University College, a system of the most lavish and unwarrantable expenditure has been resorted to at the instigation of certain Professors of University College. Nay more, these Professors have openly declared their purpose practically to disregard and defeat the intent of the 54th section of the Act altogether, as they have hitherto done. Although, therefore, the annual income of the present University of Toronto,—reduced as it has been, and small as is the return from fees of students (\$226,)—is now upwards of £13,500, and will certainly by the sale of the lands yet unsold, even after retaining fifty acres round the present buildings, ere long rise to £20,000 a year, and in all probability much more ; there is every reason to believe, that the result will be the same, so long as things remain as they are.

Without entering into details on this subject, which may be found in the accounts of the revenue and expenditure of the University, in the Appendices to the Journals of the House of Assembly, and in the Report of the last University Commission, it may be sufficient to state one or two leading facts from which we may form some idea of the rest. Take for example the Bursar's office. The expenses of that office alone, for the collection and management of the University funds, have been on

an average as great as the whole expenditure of Queen's College with ten Professors, and greater than that of either Trinity or Victoria College. Take again the whole annual expenditure of the University fund, by which a single Faculty in a single College of Toronto has hitherto been maintained, and it will be found nearly to equal all the annual expenditures put together of the other *seven* principal Chartered Colleges in Upper and Lower Canada, most of them with their faculties complete, giving as thorough an education, and with ten times more students. If the Preparatory Schools in connection with these different Institutions be taken into account, the expenses of the University of Toronto and its preparatory department will be found to be upwards of £2000 a year more than those of all the others. This has been conclusively proved, and will be seen by any one who examines the statistics in the public returns.

3. The only authority given by the Act for expenditure for building purposes, is to the following effect: p. 57, "The Governor in Council may authorize such permanent *improvements and additions to the BUILDINGS* (then in existence,) *on the said property* as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of the Permanent Fund aforesaid, hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made." This is the sole authority in the Act for any expenditure on buildings. The buildings here referred to were almost new, having been erected in 1843, a few years before, had cost £20,000, while the laying out of the grounds around them cost £10,000 more, and this clause of the Act expressly limits the expenditure from the permanent fund for building purposes to "*additions*" and "*improvements*" on these buildings then in existence. Yet, in defiance of this provision of the statute, these costly buildings have been altogether abandoned, and *new* buildings have been erected on a totally *different site* at a further enormous expense of three hundred and twenty thousand dollars. Not only therefore, has the annual income which was required by the Act to be devoted, first, to the economical defraying of "current expenses," and next to the formation of a surplus fund, been illegally squandered and frittered away, but the permanent capital has been illegally and deeply encroached upon, to the lasting injury of the higher educational interests of the Province, by this vast and unwarranted expenditure on totally new buildings.

The express design and provisions of the University Act of 1853, having been thus openly violated and defeated, the people of Canada, for whose benefit the public University funds were set apart, are under the necessity of having recourse to the Provincial Parliament, in order that, a thorough investigation of the whole matter having been made, that Act may be reviewed and amended, of which the practical working has been, while it contemplates one University, altogether distinct from any one Collegiate Institution, to merge the University into the University College of Toronto, and, while it contemplates several Colleges, to foster one College alone.

Queen's, Victoria and Trinity Colleges, as they have already shewn, and the whole population of Upper Canada, with the exception of interested parties bent on the maintenance of the present system of things, (and who will make all the louder noise the smaller their numbers) will hail with satisfaction any plan of settlement, either with, or without the incorporation of the different Colleges in one University of Upper Canada, which shall give for the support of secular education in each a just share of a Fund which was intended for all, and shall tend best to promote a fair and generous rivalry between them, and to diffuse more widely the benefits of Academic instruction throughout the land.

For the cause, therefore, of a higher education, as well as in justice to similar Institutions, which, as yet comparatively unaided, have done much for the advancement of learning as the enormously endowed University College of Toronto or more,—let all unite in applying by petition on the subject without delay to the present Session of Parliament, assured, that unless a legislative enactment is to be nullified, and set at nought with impunity, the Legislature will take immediate and effectual measures for remedying the evils of which the people of Canada have just reason to complain, and for finally settling this important question in a wise and equitable manner.